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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,847	04/14/2006	Keith Hensel	BRE0326U	5157

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EXAMINER

TEATERS, LINDSEY C

ART UNIT	PAPER NUMBER
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3742

MAIL DATE	DELIVERY MODE
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02/26/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,847	Applicant(s) HENSEL, KEITH	
	Examiner LINDSEY C. TEATERS	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 1-17 is withdrawn in view of the newly discovered reference(s) to Ruck (US 5,570,629), Yu et al (US 6,138,556), and Daniels (US 4,378,078). Rejections based on the newly cited reference(s) follow.

Priority

2. Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on applications filed in Australia on 07/01/2004, 04/19/2004, and 10/22/2003. Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of any foreign application. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because the abstract is not a single paragraph. Correction is required. See MPEP § 608.01(b).

Claim Objections

5. Claims 1-8 are objected to because of the following informalities: Claim 1, line 3, "a plurality of primary ribs" should be --the plurality of primary ribs--. Claim 7, lines 2-3, "the the primary ribs" should be changed to --the primary ribs--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 16 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claim 16 recites the limitation "the juice collector" in line 1. There is insufficient antecedent basis for this limitation in the claim. A juice collector is not previously recited in claim 9.
9. Claim 25 recites the limitation "the juice collector" in line 1. There is insufficient antecedent basis for this limitation in the claim. A juice collector is not previously recited in claim 17.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruck (US 5,570,629), cited by applicant.

Re claims 1-8:

Ruck teaches a reamer (10) for use in extracting juice from citrus comprising a plurality of ribs (24a) for contacting the citrus, wherein the plurality of primary ribs each have at least two different profiles, being an upper profile (adjacent top bulb, fig 1) and a lower profile (lower portion, fig 1), a concave transitional section (middle section, fig 1) located between the upper and lower profiles that smoothly blends the upper and lower profiles together, the upper profile has a larger longitudinal radius or shaper apex angle than the lower profile (fig 1), a plurality of secondary ribs (24) that are lower than the primary ribs, the primary ribs are blade like (fig 1), the top of at least some of the primary ribs form spikes (fig 1, used for primary cutting into fruit) to hold the fruit in place, the secondary ribs are located between the primary ribs (fig 1), and a paddle (18) near a base of the primary ribs for removing pulp.

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12. Claims 9-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Yu et al (US 6,138,556).

Re claims 9-16:

Yu et al teaches a citrus reamer (fig 4) comprising a reamer (6), a housing (2, 4) to support the reamer, a motor (34) to drive the reamer, the motor contained in the housing, a fruit dome (44) carried by an actuating arm (portion of 44 adjacent hinge, col. 4, line 66 - col. 5, line 3), the fruit dome has a trajectory determined by the actuating arm, the trajectory having a curved portion and a generally linear portion that is generally coincident with an axis of rotation of the reamer (hinges about connection of 44 to handle 424), the actuating arm cooperates with a micro switch lock-out to prevent early rotation of the juicing reamer (col. 2, line 67 - col. 3, line 2, when 343 is pushed downward by actuating arm and fruit dome 44, the motor is powered), the reamer has an apex (64) on which is formed a central spike (tops of ribs) which cooperates with an internal surface of the fruit dome to limit the gap between the reamer and the dome (fig 4), the fruit dome includes a profile on its inner surface that corresponds with the profile of the reamer profile (fig 4), the fruit dome is removable for washing (fig 9), the fruit dome includes a stub shaft (connection tab, fig 4) for attaching the dome to the actuating arm, the fruit dome includes one or more internal edges to grip the skin of the fruit (fig 4), and a juice collector (container 4) includes a sealable spout (425) to control the flow of juice from the container.

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13. Claims 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Daniels (US 4,378,078).

Re claims 26-27:

Daniels teaches a spout (48) for limiting the flow of fluid from a container (74) comprising a spout (48) attached to the container and supporting an elastomeric plug (96, col. 6, lines 32-39), an aperture (94) in the container, the elastomeric plug fits into the aperture in the container to stop a flow of fluid therethrough, the plug having a portion that is larger than the aperture (must be larger to form a fitting seal), that portion preventing the plug from dislodging under the influence of gravity (see fig 5), the portion is an enlarged head (fig 5).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al (US 6,138,556).

Re claims 17-25:

Yu et al teaches a citrus press (fig 4) comprising a reamer (6), a housing (2, 4) to support the reamer, a motor (34) to drive the reamer, the motor contained in the housing, a fruit

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dome (44) carried by an actuating arm (portion of 44 adjacent hinge, col. 4, line 66 - col. 5, line 3), wherein the actuating arm has a hinge with a fixed pivot attached to the housing (hinge attached to handle 424), the actuating arm cooperates with a micro switch lock-out to prevent early rotation of the juicing reamer (col. 2, line 67 - col. 3, line 2), the reamer has an apex (64) on which is formed a central spike (top of ribs) which cooperates with an internal surface of the fruit dome to limit the gap between the reamer and the dome (fig 4), the fruit dome includes a profile on its inner surface that corresponds with the profile of the reamer profile (fig 4), the fruit dome is removable for washing (fig 9), the fruit dome includes a stub shaft (tab at hinge joint) for attaching the dome to the actuating arm, the fruit dome includes one or more internal edges to grip the skin of fruit (fig 4), and the juice collector includes a sealable spout (425) to control the flow of juice from the collector.

Yu et al fails to teach that the actuating arm has a four bar linkage hinge, or that the actuating arm is a collapsible quadrilateral hinge. It would have been obvious to one of ordinary skill in the art at the time of invention to utilize any alternative design of hinge in place of the hinge taught by Yu et al since the type of hinge connecting the actuating arm to the housing does not affect the functionality of the invention and is merely a design choice.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDSEY C. TEATERS whose telephone number is 571-

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270-5913. The examiner can normally be reached on Mon-Thur 8:30am-6:00pm ::
alternating Fri 8:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LINDSEY C TEATERS/
Examiner, Art Unit 3742

02/18/2010

/TU B HOANG/

Supervisory Patent Examiner, Art Unit 3742